

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

MARK ANTHONY TEAS

PLAINTIFF

v.

Civil No. 07-5146

SHERIFF KEITH FERGUSON;
CAPTAIN HUNTER PETRAY;
SGT. DARREN FAULKENBERRY;
OFFICER BAKER; DEPUTY GRANT;
DEPUTY UNDIANO

DEFENDANTS

ORDER

On December 4, 2007, the plaintiff filed a motion asking to be transferred to another facility (Doc. 22). In his motion, he indicated he feared retaliation from the defendants because of this pending lawsuit. The motion (Doc. 22) is denied as moot. The court has learned the plaintiff has been transferred to the Arkansas Department of Correction, Diagnostic Unit, in Pine Bluff, Arkansas. Thus, he is no longer housed at the Benton County Detention Center and is not in the care and custody of the defendants.

On December 6, 2007, plaintiff filed a motion to compel discovery responses (Doc. 23). He indicates defendants failed to respond to his requests for the production of documents and his interrogatories within thirty days.

Defendants responded (Doc. 24) to the motion to compel indicating they had sent plaintiff a letter asking for an additional two weeks to respond to the discovery requests up to and including December 15th. The defendants' request for a two week extension of time was reasonable and made before the original discovery requests were due. The motion to compel

(Doc. 23) is therefore denied as moot based on defendants' representation that would provide plaintiff with the responses by December 15th.

IT IS SO ORDERED this 17th day of December 2007.

/s/ *J. Marschewski*

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE